



General Assembly

Substitute Bill No. 246

February Session, 2016

* SB00246JUD 032216 *

AN ACT CONCERNING THE ZERO-TOLERANCE SAFE SCHOOL ENVIRONMENT ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-61aa of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) A person is guilty of threatening in the first degree when such
4 person (1) (A) threatens to commit any crime involving the use of a
5 hazardous substance with the intent to terrorize another person, to
6 cause evacuation of a building, place of assembly or facility of public
7 transportation or otherwise to cause serious public inconvenience, or
8 (B) threatens to commit such crime in reckless disregard of the risk of
9 causing such terror, evacuation or inconvenience; (2) (A) threatens to
10 commit any crime of violence with the intent to cause evacuation of a
11 building, place of assembly or facility of public transportation or
12 otherwise to cause serious public inconvenience, or (B) threatens to
13 commit such crime in reckless disregard of the risk of causing such
14 evacuation or inconvenience; [or] (3) commits threatening in the
15 second degree as provided in section 53a-62, as amended by this act,
16 and in the commission of such offense [he] such person uses or is
17 armed with and threatens the use of or displays or represents by [his]
18 such person's words or conduct that [he] such person possesses a
19 pistol, revolver, shotgun, rifle, machine gun or other firearm; or (4)

20 violates subdivision (1) or (2) of this subsection with the intent to cause
21 an evacuation of a building or the grounds of a public or nonpublic
22 preschool, school or institution of higher education during preschool,
23 school or instructional hours or when a building or the grounds of
24 such preschool, school or institution are being used for preschool,
25 school or institution-sponsored activities. No person shall be found
26 guilty of threatening in the first degree under subdivision (3) of this
27 subsection and threatening in the second degree upon the same
28 transaction but such person may be charged and prosecuted for both
29 such offenses upon the same information.

30 (b) For the purposes of this section, "hazardous substance" means
31 any physical, chemical, biological or radiological substance or matter
32 which, because of its quantity, concentration or physical, chemical or
33 infectious characteristics, may cause or significantly contribute to an
34 increase in mortality or an increase in serious irreversible or
35 incapacitating reversible illness, or pose a substantial present or
36 potential hazard to human health.

37 (c) Threatening in the first degree is a class D felony, except that a
38 violation of subdivision (4) of subsection (a) of this section is a class C
39 felony.

40 Sec. 2. Section 53a-62 of the general statutes is repealed and the
41 following is substituted in lieu thereof (*Effective October 1, 2016*):

42 (a) A person is guilty of threatening in the second degree when: (1)
43 By physical threat, such person intentionally places or attempts to
44 place another person in fear of imminent serious physical injury, (2)
45 (A) such person threatens to commit any crime of violence with the
46 intent to terrorize another person, or [(3)] (B) such person threatens to
47 commit such crime of violence in reckless disregard of the risk of
48 causing such terror, or (3) violates subdivision (1) or (2) of this
49 subsection and the person threatened is in a building or on the
50 grounds of a public or nonpublic preschool, school or institution of
51 higher education during preschool, school or instructional hours or

52 when a building or the grounds of such preschool, school or institution
 53 are being used for preschool, school or institution-sponsored activities.

54 (b) Threatening in the second degree is a class A misdemeanor,
 55 except that a violation of subdivision (3) of subsection (a) of this
 56 section is a class D felony.

57 Sec. 3. (NEW) (*Effective October 1, 2016*) The Board of Pardons and
 58 Paroles shall grant an absolute pardon to any person who applies for
 59 such pardon with respect to a conviction of a violation of subdivision
 60 (4) of subsection (a) of section 53a-61aa of the general statutes, as
 61 amended by this act, or subdivision (3) of subsection (a) of section 53a-
 62 62 of the general statutes, as amended by this act, if (1) such person
 63 committed such offense prior to attaining the age of eighteen years, (2)
 64 at least three years have elapsed from the date of such conviction or
 65 such person's discharge from the supervision of the court or the care of
 66 any institution or agency to which such person has been committed by
 67 the court, whichever is later, (3) such person has no subsequent
 68 juvenile proceeding or adult criminal proceeding that is pending, (4)
 69 such person has attained the age of eighteen years, and (5) such person
 70 has not been convicted as an adult of a felony or misdemeanor during
 71 the three-year period specified in subdivision (2) of this section.

72 Sec. 4. (NEW) (*Effective October 1, 2016*) Any individual who reports
 73 an act of threatening described in subdivision (4) of subsection (a) of
 74 section 53a-61aa of the general statutes, as amended by this act, shall
 75 have an absolute defense to any civil action brought as a result of
 76 having made such report, provided such individual exercised due care
 77 when making such report and at all times acted in good faith while
 78 making such report.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	53a-61aa
Sec. 2	<i>October 1, 2016</i>	53a-62
Sec. 3	<i>October 1, 2016</i>	New section

Sec. 4	October 1, 2016	New section
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JUD *Joint Favorable Subst.*